



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
(408) 777-3308 • FAX (408) 777-3333

PLANNING COMMISSION STAFF REPORT

November 12, 2019

Subject

Review three additional projects (Regnart Creek Trail, Citywide Community Gardens, and Linda Vista Trail) added during the adoption of the Five Year Capital Improvement Program FY 2020-2024 (2019-2020 to 2023-2023) for consistency with the City's General Plan.

Recommended Action:

Staff recommends that the Planning Commission adopt the draft resolution (Attachment 1) finding that the Proposed Additional Projects to the Capital Improvement Program are:

1. Exempt from the California Environmental Quality Act (CEQA), and
2. Consistent with the City's General Plan.

Discussion:

Background

Each year the City Council adopts a five-year spending plan for capital improvements throughout the City. The Capital Improvement Program (CIP) is critical because it prioritizes significant city expenditures on capital projects of importance to the City. The City appropriates funding for the first year of the CIP as part of the adoption of the budget for the next fiscal year. Funding is not committed for years two through five of the program, as project priorities may change and project schedules may accelerate or decelerate. Routinely projects are added as the need arises or priorities change outside the normal CIP approval process.

California Government Code § 65403 and Section 2.32.070(C) of the Cupertino Municipal Code ((see Attachment 2)) require the Planning Commission to review the CIP for consistency with the City's General Plan (General Plan: Community Vision 2015 - 2040). The City Council is responsible for setting CIP projects and funding priorities. The role

of the Planning Commission for this item is to review the CIP for consistency with the City's General Plan. Specifically, Government Code section 65403 directs that "A district or local agency shall not carry out its capital improvement program or any part of the program if the planning agency finds that the capital improvement program or a part of the capital improvement program is not consistent with the applicable general plan, any specific plans, and all elements and parts of the plan. "If the planning agency finds any part of the CIP inconsistent with the General Plan, the local agency's decision making body "may overrule the finding and carry out its capital improvement program." Gov. Code § 65403.

On May 28, 2019, the City of Cupertino Planning Commission determined that the Proposed CIP FY 2020 Planned 2020-2024 was consistent with the General Plan. However, subsequent to the May 2019 review, three new projects have arisen requiring additional review. First, as part of the CIP approval process on June 18, 2019, the City Council added two new projects: the Citywide Community Garden Program and the Linda Vista Trail. Second, staff determined that the Regnart Creek Trail, for which a feasibility study was approved by City Council in August 2018, has not yet been reviewed by the Planning Commission. The three projects are described in Attachment 3.

Environmental Review

City staff has independently studied the additional CIP projects and has determined that the Planning Commission's review of the CIP for General Plan consistency is exempt from CEQA review pursuant to California Code of Regulations, title 14, section 15061(b)(3) ("CEQA Guidelines" § 15061(b)(3)), in that it can be seen with certainty that there is no possibility that this General Plan consistency review will have a significant effect on the environment, and that the action does not involve approval of any specific project that may have a significant effect on the environment.

Each of these projects will be evaluated for compliance with of the California Environmental Quality Act ("CEQA") and will be subject to the appropriate level of environmental review.

General Plan Consistency

Please refer to Attachment 4 for a matrix of the CIP Projects and General Plan Consistency Notes and Attachment 5 for excerpts of pertinent General Plan: Community Vision 2015 – 2040 policies and text.

The General Plan consistency findings are summarized below for fiscal year 2019-20 CIP:

1- Projects that improve the safety and function of the City's primary circulation system.

See Community Vision 2040 Goals M-2, M-3, and M-5 and Community Vision Policies M-10.1 and M-10.3.

- Regnart Creek Trail
- Linda Vista Trail

2- Transportation projects that manage neighborhood traffic, decrease reliance on the usage of private cars, promote pedestrian activity and provide Safe Routes to Schools.

See Community Vision 2040 Goals M-2, M-3, M-5, and Community Vision Policies M-10.1 and M-10.3.

- Regnart Creek Trail
- Linda Vista Trail

3- Projects that maintain the usability of and/or expand the capacity, performance, and efficiency of the City's public infrastructure and facilities.

See Community Vision 2040 Goals INF-1, and Community Vision Policy INF-1.1, and Community Vision 20140 Strategy INF-1.1.1 and INF-1.1.2.

- Regnart Creek Trail
- Citywide Community Gardens
- Linda Vista Trail

4- Projects that maintain the usability of the City's parks and recreation inventory.

See Community Vision 2040 Goals RPC-1 and Community Vision Policies RPC-2.5, RPC-3.1, RPC-4.1, RPC-7.3, M-1.3, and Community Vision 20140 Strategy RPC-2.5.1.

- Citywide Community Gardens

Next Steps:

The Planning Commission's recommendation will be considered by the City Council at the December 3, 2019 Council meeting.

Submitted by: Roger Lee, Director of Public Works

Reviewed by: Erick Serrano, Senior Planner

Piu Ghosh, Planning Manager

Approved for Submission: Benjamin Fu, Director of Community Development

Attachments:

- 1- Draft Resolution
- 2- Text of Cal. Government Code § 65403(c) and Cupertino Municipal Code Section 2.32.070(C)
- 3- Description of Projects
- 4- Matrix of CIP Projects and General Plan Consistency Notes
- 5- Excerpts of General Plan Policies and Text